

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CAROL BELYEA, BRUCE BELYEA,)	
LUCILLE BOTELHO, WAYNE)	
BOTELHO, and CHARDON MAHAN)	
on behalf of themselves and all others)	
similarly situated,)	Civil Action No. 10-10931-GAO
)	
Plaintiffs,)	
)	
v.)	
)	
LITTON LOAN SERVICING, LLP,)	
)	
Defendant.)	

**DEFENDANT LITTON LOAN SERVICING LP’S
MOTION TO DISMISS PLAINTIFFS’ FIRST AMENDED COMPLAINT**

Defendant Litton Loan Servicing LP (“Litton”),¹ pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves to dismiss the First Amended Class Action Complaint filed against it by Plaintiffs Carol Belyea, Bruce Belyea, Lucille Botelho, Wayne Botelho, and Chardon Mahan (collectively “Plaintiffs”). Because Plaintiffs have failed to state a plausible cause of action upon which relief can be granted, the Court should dismiss Plaintiffs’ First Amended Complaint in its entirety with prejudice. In support of this Motion, Litton relies upon the accompanying memorandum of law and the exhibits attached to the Declaration of Brian M. Forbes.

Litton respectfully requests a hearing on this Motion.

WHEREFORE, Litton respectfully requests that the Court: (1) grant its motion to dismiss; (2) dismiss Plaintiffs’ First Amended Class Action Complaint in its entirety with prejudice; and (3) grant such other relief as the Court deems just and appropriate.

¹ Litton Loan Servicing LP is incorrectly named in the caption as “Litton Loan Servicing LLP.” Litton is a limited partnership, not a limited liability partnership.

Dated: October 15, 2010

Respectfully submitted,

LITTON LOAN SERVICING LP,

By its attorneys,

/s/ Brian M. Forbes

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REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Litton respectfully requests oral argument on this motion.

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned hereby certifies that counsel for Defendant Litton Loan Servicing LP has conferred with counsel for Plaintiffs regarding the issues presented by this motion, have attempted in good faith to resolve or narrow the issues, but have been unable to reach agreement on the issues raised by this motion.

/s/ Brian M. Forbes

Brian M. Forbes

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 15, 2010. The attorneys of record who will receive electronic notice of this filing are:

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/s/ Brian M. Forbes

Brian M. Forbes